

REMARKS

Reconsideration of the rejection of claims 1-10 under 35 USC §103(a) is respectfully requested on the grounds that U.S. Patent Nos. 5,619,716 (Nonaka) and 6,324,692 (Fiske), whether considered individually or in any reasonable combination, fail to disclose or suggest the following features of the claimed invention:

a. Storing and Comparing Configuration Files on the Client Computer

Claim 1 recites a software updating method in which a **client computer** executing a first application and raising a request:

- *“store[s] a first configuration file, the first configuration file further having a first application software version identification code respective to the first application software and a plurality of first function module version identification codes,”*

the client computer performing the steps of:

- *“(a). . .receiving the second configuration file”;*
- *“(b). . .determining whether or not the second application software version identification code is the same as the first application software version identification code”;*
- *“(c). . .determining whether or not the second function module version identification code is the same as the respective first function module version identification code. . .”*
- *“a server accept[s] the request and send[s] out a second configuration file to the client computer according to the request”.*

The Examiner will notice that line 26 of claim 1 (at the bottom of page 40), specifically recites that the comparison of configuration files (steps b, c, and so forth) is performed by the **client computer**.

In contrast, in the method of Nonaka, comparison of the configuration files is performed on the **server side**. Since the server has to compare configuration files for multiple client

computers, having the client computers rather than the server perform these tasks greatly decreases the processing load on the server. On the other hand, the Fiske patent does not disclose any steps corresponding to the claimed comparisons (determination of whether. . . is the same) and therefore could not have suggested modification of the method of Nonaka to correspond to the claimed invention.

b. Downloading Modules in Response to Comparisons

The reason that the claimed invention compares configuration files is different than that described in the Nonaka patent. Whereas the claimed invention updates respective function modules on the client side according to the comparison result of the version identification codes recited in claim 1 *so as to enable downloading of client software updates*, Fig. 19 of the Nonaka patent indicates that the server receives the content of a configuration file solely for the purpose of updating its database. Moreover, since the Fiske patent does not disclose any sort of configuration file comparison, the Fiske patent could not have suggested modification of the method of Nonaka to include the feature of function module updating on the client side.

c. Terminating the Original Module After Executing New Module

Claim 1 recites the step (h) of “*ending the first function module stored in the first storage location*” after step (g) of “*the first function module stored in the first storage location starting the first function module stored in the second storage location.*”

According to the Examiner, this feature is taught by the Fiske patent. However, in Fiske, first and second storage locations are used to **revert** back to a previous software version if an update is unsuccessful (see the complete paragraph in the middle of page 4 of the Official Action. This is exactly contrary to the claimed termination of the original (“first”) module after the new (“second”) module is executed ***since termination of the original module prevents the reversion taught by Fiske***. In other words, once step (g) of the claimed invention is executed, the reversion taught by Fiske is impossible because the first function module has already been ended.

Serial Number 09/938,602


Therefore, the Fisk patent *teaches away* from step (g) of claim 1, ending the first function module.

Since Nonaka and Fiske fail to teach the claimed features discussed above, the applicants believe that claims 1 and 7 are patentable over the cited references. Insofar as claims 2-6 directly or indirectly depend from claims 1, and claims 8-10 directly or indirectly depend from claims 7 are similarly believed to be patentable.

Having thus overcome each of the rejections made in the Official Action, withdrawal of the rejections and expedited passage of the application to issue is requested.

Respectfully submitted,

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